

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 2:22-cv-203-JRG
	)	
MICRON TECHNOLOGY, INC.; MICRON	)	JURY TRIAL DEMANDED
SEMICONDUCTOR PRODUCTS, INC.;	)	
MICRON TECHNOLOGY TEXAS LLC,	)	
	)	
Defendants.	)	
	)	

---

**JOINT MOTION FOR LEAVE TO TAKE CLAIM CONSTRUCTION EXPERT  
DEPOSITION OUT OF TIME AND PERMIT A SUR-REPLY**

Plaintiff Netlist, Inc. (“Netlist”) and Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively “Micron”) jointly file this motion for leave to take a claim construction expert deposition out of time and to permit a claim construction sur-reply. The deadline to complete Claim Construction discovery was May 24, 2023. Because of scheduling conflicts, the parties were unable to complete the deposition of Micron’s expert Dr. Stone before that date. Accordingly, the parties have conferred and jointly seek leave to complete Dr. Stone’s deposition on or before June 27, 2023.

Additionally, in the event that Netlist cites Dr. Stone’s testimony in its reply claim construction brief, the parties also seek leave to allow Micron to file a sur-reply claim construction brief limited to addressing citations to Dr. Stone’s deposition in Netlist’s reply brief by July 5, 2023.

The parties’ request would not affect the claim construction briefing deadlines, the date of the claim construction hearing, or other deadlines that require a showing of good cause to amend.

Dated: May 24, 2023

Respectfully submitted,

/s/ Jason Sheasby

---

Samuel F. Baxter  
Texas State Bar No. 01938000  
sbaxter@mckoolsmith.com  
Jennifer L. Truelove  
Texas State Bar No. 24012906  
jtruelove@mckoolsmith.com  
**MCKOOL SMITH, P.C.**  
104 East Houston Street Suite 300  
Marshall, TX 75670  
Telephone: (903) 923-9000  
Facsimile: (903) 923-9099

Jason G. Sheasby (*pro hac vice*)  
jsheasby@irell.com  
Annita Zhong, Ph.D. (*pro hac vice*)  
hzhong@irell.com  
Thomas C. Werner (*pro hac vice*)  
twerner@irell.com  
Yanan Zhao (*pro hac vice*)  
yzhao@irell.com  
Michael W. Tezyan (*pro hac vice*)  
mtezyan@irell.com

**IRELL & MANELLA LLP**  
1800 Avenue of the Stars, Suite 900  
Los Angeles, CA 90067  
Tel. (310) 277-1010  
Fax (310) 203-7199

***Attorneys for Plaintiff Netlist, Inc.***

/s/ Wesley Hill

---

Thomas M. Melsheimer  
State Bar No. 13922550  
TMelsheimer@winston.com  
Natalie Arbaugh  
State Bar No. 24033378  
NArbaugh@winston.com  
**WINSTON & STRAWN LLP**  
2121 N. Pearl Street, Suite 900  
Dallas, TX 75201  
Telephone: (214) 453-6500  
Facsimile: (214) 453-6400

Michael R. Rueckheim

State Bar No. 24081129  
MRueckheim@winston.com  
**WINSTON & STRAWN LLP**  
255 Shoreline Drive, Ste 520  
Redwood City, CA 9405  
Telephone: (650) 858-6500  
Facsimile: (650) 858-6559

David Enzminger  
*Pro Hac Vice Pending*  
DEnzminger@winston.com  
**WINSTON & STRAWN LLP**  
333 S. Grand Avenue  
Los Angeles, CA 90071-1543  
Telephone: (213) 615-1700  
Facsimile: (213) 615-1750

Matthew Hopkins  
*Pro Hac Vice Pending*  
mhopkins@winston.com  
**WINSTON & STRAWN LLP**  
1901 L Street, NW  
Washington, DC 20036  
Telephone: (202) 282-5862  
Facsimile: (202) 282-5100

Juan Yaquian  
State Bar No. 24110559  
*Pro Hac Vice*  
JYaquian@winston.com  
**WINSTON & STRAWN LLP**  
800 Capital Street, Suite 2400  
Houston, TX 77002  
Telephone: (713) 651-2600  
Facsimile: (713) 651-2700

Wesley Hill (State Bar No. 24032294)  
wh@wsfirm.com  
Andrea Fair (State Bar No. 24078488)  
andrea@wsfirm.com  
Charles Everingham IV (State Bar No. 00787447)  
ce@wsfirm.com  
**WARD, SMITH & HILL, PLLC**  
1507 Bill Owens Parkway  
Longview, TX 75604  
Telephone: (903) 757-6400

Facsimile: (903) 757-2323

*Attorneys for Defendants Micron Technology,  
Inc., Micron Semiconductor Products, Inc.,  
Micron Technology Texas LLC*

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel have complied with the meet and confer requirement in Local Rule CV-7(h) and this Court's Orders and that all parties join in this motion.

/s/ Michael Tezyan  
Michael Tezyan

**CERTIFICATE OF SERVICE**

I hereby certify that, May 24, 2023, a copy of the foregoing was served to all counsel of record.

/s/ Michael Tezyan  
Michael Tezyan